

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ.

No. 1:20-cv-01073-DAD-BAM (PC)

Plaintiff.

v.

HUERTA, et al.,

#### Defendants.

ORDER DENYING MOTION FOR  
RESPONSE AS MOOT AND DISMISSING  
ACTION WITHOUT PREJUDICE

(Doc. Nos. 15, 16)

Plaintiff Guillermo Trujillo Cruz is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 28, 2020, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's application to proceed *in forma pauperis* be denied pursuant to 28 U.S.C. § 1915(g) and that plaintiff be required to pay the filing fee in full to proceed with this action. (Doc. No. 6.) Following the granting of an extension of time to do so, plaintiff filed his objections on September 21, 2020. (Doc. No. 13.) On March 12, 2021, the undersigned issued an order adopting the findings and recommendations in full and ordering plaintiff to pay the \$402.00 filing fee in full within thirty (30) days. (Doc. No. 15.) In that order, plaintiff was

111

1 warned that his failure to pay the filing fee within the specified time would result in dismissal of  
2 this action. (*Id.* at 3.)

3 On March 24, 2021, plaintiff filed a motion for a response to Doc. Nos. 4, 6, and 10.  
4 (Doc. No. 16.) The motion is essentially a restatement of plaintiff's previously filed objections to  
5 the magistrate judge's findings and recommendations. (*Id.*) Based on a review of the motion and  
6 plaintiff's continued insistence that he be permitted to proceed *in forma pauperis*, it is apparent  
7 that he does not intend to pay the filing fee, and the deadline for plaintiff to do so has expired. In  
8 addition, the court has already addressed all of the documents referenced in the motion.

9 Because plaintiff has failed to obey the court's orders and pay the appropriate filing fee,  
10 this case cannot proceed. This matter will be dismissed. *See Ferdik v. Bonzelet*, 963 F.2d 1258,  
11 1260–61 (9th Cir. 1992).

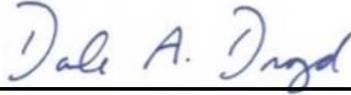
12 Accordingly,

13 1. Plaintiff's motion for response to Doc. Nos. 4, 6, 10 (Doc. No. 16) is denied as  
14 moot; and

15 2. This action is dismissed without prejudice due to plaintiff's failure to comply with  
16 the court's orders and his failure to pay the filing fee.

17 IT IS SO ORDERED.

18 Dated: May 10, 2021

19   
UNITED STATES DISTRICT JUDGE

20  
21  
22  
23  
24  
25  
26  
27  
28